

Settlement/Hearing Date: September 21, 2016  
Time: 10:30 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 13-22945 RDD

**CRISTIAN ALDANA,**

**NOTICE OF SETTLEMENT**

Debtor

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**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 21st day of September, 2016 at 10:30 A.M. in the Judge's Chambers, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

**PLEASE TAKE FURTHER NOTICE**, that Hearings on Objections, if any, to be conducted same place, date and time. Written objections or counterorders, must be submitted to chambers no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York  
July 25<sup>th</sup>, 2016

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir (JLS 0938)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. 914-328-6333**

**TO:** United States Trustee  
201 Varick Street #1006  
New York, New York 10014

Cristian Aldana  
2 Alexander Place  
Yonkers, New York 10704

H. Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 13-22945 RDD

**CRISTIAN ALDANA,**

Debtor

-----X

**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee having moved, on due notice, for an order dismissing this chapter 13 case; and, upon the motion and the record of the September 21, 2016 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with 11 U.S.C. §1307(c)(1) and (c)(6) and the Order Confirming Plan dated August 24, 2015 directing the debtor to remit monthly payments according to the chapter 13 plan, and the debtor failing to comply therewith, and being at this time in material arrears with plan payments to the trustee; and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case

Dated: White Plains, New York  
September , 2016

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 13-22945 RDD

**CRISTIAN ALDANA,**

**TRUSTEE'S AFFIDAVIT**

Debtor

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STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER    )   ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1.       He is the standing Chapter 13 Trustee.
2.       The debtor filed a Chapter 13 proceeding on June 14<sup>th</sup>, 2013.
3.       The debtor failed to comply with the provisions of 11 U.S.C. §1307 (c ) (1)  
and (c )(6).
4.       The debtor has failed to comply with the Order Confirming Plan dated August  
24, 2015 whereby the debtor must remit monthly payments to the trustee in the sum of  
\$265.00 for 60 months plus tax refunds in excess of \$1,500.00 for the duration of the plan.
5.       The debtor has paid the trustee to date the sum of \$8,715.00.
6.       The debtor is \$1,090.00 in arrears in plan payments to the trustee.
7.       There exists a material default in this confirmed plan.
8.       Pursuant to the order of confirmation, the debtor is required to provide the  
trustee with copies of federal and state tax returns while in bankruptcy. To date, the trustee has  
failed to receive the debtor's 2013, 2014 and 2015 returns.
9.       The delay created by the debtor is prejudicial to creditors.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing  
this case, be signed.

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir**

Sworn to before me this  
25<sup>th</sup> day of July, 2016

/s/ Jody L. Kava  
Jody L. Kava  
Notary Public, State of New York  
No. 02KA4836806  
Qualified in Westchester County  
Term Expires: 10/31/17

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 13-22945 RDD

**CRISTIAN ALDANA,**

Debtor

-----X

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in  
the County of Westchester , State of New York.

On July 25<sup>th</sup>, 2016 I served a true copy of the within document, to the herein listed  
parties at the address(es) designated for that purpose, by mailing same in a properly sealed  
envelope with postage prepaid thereon, in an official depository of the United States Postal  
Service within the State of New York to the following:

**TO:** United States Trustee  
201 Varick Street #1006  
New York, New York 10014

Cristian Aldana  
2 Alexander Place  
Yonkers, New York 10704

H. Bruce Bronson, Jr., Esq.  
480 Mamaroneck Avenue  
Harrison, New York 10528

Sworn to before me this  
25<sup>th</sup> day of July, 2016

/s/ Jeffrey L. Sapir  
Jeffrey L. Sapir  
Notary Public, State of New York  
No. 02SA8764500  
Qualified in Rockland County  
Term Expires: 12/31/18

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**